

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREA McGOFF,

Plaintiff,

vs.

Case No: 05 CV 73396
Honorable George Steeh
Magistrate Judge R. Steven Whalen

U.A.G. MICHIGAN PONTIAC-GMC,
L.L.C., doing business as RINKE
PONTIAC-GMC, and TIMOTHY
BIELACZYK, Jointly & Severally,

Defendants.

JOEY S. NISKAR P55480
Attorney for Plaintiff

PAMELA J. BURBOTT P35422
Of counsel for Defendants

GARAN, LUCOW, MILLER, P.C.,
THOMAS R. PAXTON P36214
Attorneys for Defendants
1000 Woodbridge
Detroit, MI 48207
313-446-5518

AFFIDAVIT OF TIMOTHY BIELACZYK

State of Michigan)

)
County of)

Timothy Bielaczyc, being first duly sworn, deposes and states that the following is true to the best of his information and belief and if called to testify could competently testify to the truth of the matters asserted below:

1. That I am the Director of Service at Rinke Pontiac, GMC.

2. That on August 1, 2003, I held one of several interviews with the plaintiff, Andrea McGoff, for a position with this organization as custom service representative. On that day I introduced her to prospective co workers and toured the facilities with her.

3. Ms. McGoff did not work on nor was she paid for August 1, 2003.

4. Ms. McGoff's first day of employment was on Monday, August 4, 2003.

5. As of July 30, 2004, Mc. McGoff's attendance record was not acceptable. She had many absences that were either unexcused or not consistent with the expectations of her employer.

6. On August 2, 2004, early that morning, I was informed that the plaintiff would not be coming in to work. I was told that she had called in herself indicating that she would not be in to work. I immediately made the decision to terminate her employment as a result of excessive absenteeism.

7. That it wasn't until later in the day on August 2, 2004, that I learned that Andrea McGoff had been hospitalized.

8. Andrea McGoff never requested FMLA leave. Ms. McGoff did not provide the employer with any specific information indicating the nature of her absences or suggesting she may be entitled to or seeking a FMLA leave until more than a week after August 2, 2004.


9. When I completed the personnel change order I mistakenly wrote August 1, 2004. I immediately changed the form to reflect the actual date of termination of August 2, 2004.

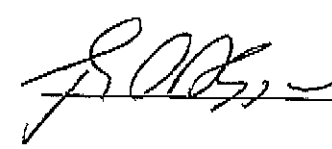
10. I make this affidavit based upon my personal knowledge and if compelled to do so, could testify to the facts contained herein as being true under oath.

Further, deponent sayeth not.

TIMOTHY BIELACZYK

Subscribed and sworn to before me
this 27 of April, 2006


Notary Public.


JAN E. BROWNING
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Apr 10, 2008
ACTING IN MACOMB COUNTY, MI